

Appl. No. : 10/777,053
Filed : February 10, 2004

REMARKS

After entry of the foregoing amendments, Claims 1, 4-19, 21 and 23-34 are presented for examination. By the foregoing amendments, Claims 1, 4, 13, 18, 19, 23 and 28 are amended as set forth above. Claims 2, 3 and 20 have been canceled without prejudice or disclaimer. Also, by entry of the amendments, new Claims 32-34 are added as set forth above.

The specific changes to the specification and the claims are shown above with insertions shown in underlined text and ~~deletions shown in strikethrough text~~.

Support for the amendments to the claims and newly added claims is found throughout the specification as originally filed. More particularly, support for the amendment to Claim 1 is found, *inter alia*, at page 3, paragraph [0011] of the specification. Support for the amendments to Claims 4 and 13 is found, *inter alia*, at pages 106-108, paragraphs [0193] and [0194] and Tables 17-20. Claims 1 and 28 have been amended to delete the phrase “or encoding” to remove an inadvertent redundancy. No new matter has been introduced with the foregoing amendments and newly added claims, and the new claims are supported by the specification as filed. Therefore, no additional searching is required to examine the new claims. Reconsideration is respectfully requested.

I. Objection to Claim 20

The Examiner objected to Claim 20 as being an improper dependent claim for failing to further limit the subject matter of a previous claim. As mentioned above, Applicants have cancelled Claim 20, and therefore, the objection is moot.

II. Allowable Subject Matter

The Examiner indicated that Claims 28-30 are allowed, and Claims 11, 12, 14-17, 19, 21, 26 and 27 would be allowable if rewritten in independent form, incorporating the features of the base claim and intervening claims. Accordingly, Applicants have amended base Claim 4, from which Claims 11, 12, 14-17 and 26 depend, such that the dependent claims now depend from an allowable claim. As amended, and as discussed more fully below in Section III, Claim 4 does

Appl. No. : 10/777,053
Filed : February 10, 2004

not recite SSX-2 fragments comprising amino acids 41-64 or 57-67, and is thus, not anticipated by the cited art.

Also, Applicants have rewritten Claim 19 in independent form as suggested by the Examiner. Claims 21 and 27 depend from Claim 19.

Finally, Applicants have amended allowed Claim 28 merely to delete the phrase “or encoding” to remove an inadvertent redundancy. The amendment to Claim 28 does not affect the substance of the claim. Applicants note that new Claims 32-34 have been added which include all of the limitations of allowed Claim 28.

Thus, Applicants respectfully request allowance of the claims that were indicated as being allowed or allowable in the present Office Action, as well as the claims depending from or including all of the limitations of those allowed/allowable claims.

III. Rejection Under 35 U.S.C. § 102(b)

Claims 1-10, 13, 18, 20 and 23-25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Lim *et al.*, *Oncogene* 1998 17:2013-2018 (“Lim”). According to the Examiner, Lim teaches a fragment of SSX-2 consisting of amino acid residues 20-83, which consists of the KRAB A and KRAB B domains, and therefore SSX-2 fragments comprising amino acids 41-65 and 57-67 are disclosed. To the extent the rejection is applicable to the amended set of claims, Applicants respectfully traverse the rejection.

Lim is a short report relating to the function of KRAB domains in SSX genes. Lim discloses expression constructs consisting of the KRAB domain of SSX-2 fused to the C-terminus of GAL4-VP16 to produce GAL4-VP16-KRAB fusion proteins in HeLa cells. Lim does *not* teach epitope clusters.

As an initial matter, Applicants have canceled Claims 2, 3 and 20 without prejudice in order to expedite the case to allowance. Therefore, this § 102(b) rejection as it applies to those claims is moot.

Appl. No. : 10/777,053
Filed : February 10, 2004

Applicants have amended Claim 1 to clarify that each segment of the first sequence of the reading frame consists of an epitope cluster selected from the group consisting of amino acids 5-28, 16-28, 99-114, 167-180, and 167-183 of SSX-2. In addition, Applicants have amended Claim 1 to delete the phrase “or encoding” to remove an inadvertent redundancy. Applicants have amended Claim 4 to clarify that the first sequence of the reading frame encodes a fragment of SSX-2 comprising amino acids 5-65, 5-67, 5-114, 16-65, 16-67, 16-114, 16-180, 16-183, 41-114, 41-180, 41-183, 57-114, 57-180, 57-183, 99-180, 99-183, 16-183 or 15-183. Amended Claim 4 further sets forth that the first sequence of the reading frame encodes a segment of SSX-2 comprising an epitope cluster. Applicants have also amended Claim 18 to depend from new Claim 33.

Claims 5-10, 13, 23 and 25 depend from Claim 4. Claim 24 depends from Claim 1. Lim does *not* teach the fragments of SSX-2 recited in the claims. As amended, the Claims 1, 4-10, 13, and 23-25 do not recite SSX-2 fragments comprising amino acids 41-64 or 57-67. Claim 18 now depends from Claim 33, which depends from Claim 28, which has been deemed allowable. Therefore, the claims are not anticipated by Lim, and Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

IV. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action have been addressed and that the application is in condition for allowance. Accordingly, Applicants request the expeditious allowance of the pending claims.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned to discuss such issues.

Appl. No. : 10/777,053
Filed : February 10, 2004

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1-12-07

By: Susan L. Wang
Susan L. Wang
Registration No. 53,742
Attorney of Record
Customer No. 20,995
(619) 235-8550

3289293
010907